



## Privacy Act of 1974; System of Records

**AGENCY:** Federal Retirement Thrift Investment Board (FRTIB).

**ACTION:** Notice of a Modified System of Records.

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**SUMMARY:** Pursuant to the Privacy Act of 1974, the Federal Retirement Thrift Investment Board (FRTIB) proposes to modify an existing system of records notice in order to collect information related to sincerely held religious beliefs, practices, or observances when necessary to evaluate requests for a religious accommodation.

**DATES:** The modifications to this system will become effective upon publication in today's Federal Register. FRTIB invites written comments on the routine uses and other aspects of this system of records. Submit any comments by **[30 DAYS AFTER PUBLICATION]**.

**ADDRESSES:** You may submit written comments to FRTIB by any one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the website instructions for submitting comments.
- *Fax:* 202-942-1676.
- *Mail or Hand Delivery:* Office of General Counsel, Federal Retirement Thrift Investment Board, 77 K Street NE, Suite 1000, Washington, DC 20002.

**FOR FURTHER INFORMATION CONTACT:** Peter Robbins, Chief Privacy Officer, Federal Retirement Thrift Investment Board, Office of General Counsel, 77 K Street NE, Suite 1000, Washington, DC 20002, (202) 942-1600. For access to any of the FRTIB's systems of records, contact Amanda Haas, FOIA Officer, Office of General Counsel, at the above address and phone number.

**SUPPLEMENTARY INFORMATION:** Records contained in this system are collected to: (1) allow FRTIB to collect and maintain records on prospective, current, and former employees with disabilities who request or receive a reasonable accommodation by FRTIB; (2) allow FRTIB to collect and maintain records on prospective, current, and former employees with sincerely held religious beliefs, practices, or observances who request or receive an accommodation by FRTIB; (3) track and report the processing of requests for FRTIB-wide reasonable accommodations to comply with applicable laws and regulations; and (4) preserve and maintain the confidentiality of medical and religious information submitted by or on behalf of applicants or employees requesting a reasonable accommodation.

On September 9, 2021, the President issued Executive Order 14043, *Executive Order on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees*, requiring the COVID-19 vaccination for all Federal employees, subject to such exceptions as required by law. On October 4, 2021, the Safer Federal Workforce Task Force issued guidance to Federal agencies regarding collecting information for medical and religious accommodations. In order to meet the requirements of Executive Order 14043 and the Task Force recommendations, the FRTIB is modifying this system of records notice to include the collection of information related to religious accommodations.

Changes being made to this SORN are for that purpose and include changes to the Authority for Maintenance of the System, Purpose(s) of the System, Categories of Individuals Covered by the System, Categories of Records in the System, Routine Uses of Records Maintained in the System, Policies and Practices for Retention and Disposal of Records, and the Publication History of the System of Records Notice.

There are no new routine uses being published at this time; four previously published routine uses have been removed from this publication of SORN FRTIB-18.

In accordance with 5 U.S.C. 552a(r), the Agency has provided a report to OMB and to Congress on this notice of modified systems of records.

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**Dharmesh Vashee,**  
*General Counsel and Senior Agency Official for Privacy.*

**SYSTEM NAME AND NUMBER:** FRTIB-18, Reasonable Accommodation Records.

**SECURITY CLASSIFICATION:** Unclassified.

**SYSTEM LOCATION:** Records are maintained at the Federal Retirement Thrift Investment Board, 77 K Street N.E., Suite 1000, Washington, DC 20002. Records may also be maintained at an additional location for Business Continuity Purposes.

**SYSTEM MANAGER(S):** Human Resources Officer, Federal Retirement Thrift Investment Board, 77 K Street N.E., Suite 1000, Washington, DC 20002, (202) 942-1600.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:** 5 U.S.C. 8474; 5 U.S.C. 301; 29 U.S.C. 791; 42 U.S.C. 12101 et seq.; 42 U.S.C. 2000e et seq.; 42 U.S.C. 2000bb et seq; 44 U.S.C. 3101; Executive Order 13164 (July 28, 2000); and Executive Order 13548 (July 10, 2010).

**PURPOSE(S) OF THE SYSTEM:** The purpose of this system is to: (1) Allow FRTIB to collect and maintain records on prospective, current, and former employees with disabilities who request or receive a reasonable accommodation by FRTIB; (2) allow FRTIB to collect and maintain records on prospective, current, and former employees with sincerely held religious beliefs, practices, or observances who request or receive an accommodation by FRTIB; (3) track and report the processing of requests for FRTIB-wide reasonable accommodations to comply with applicable laws and regulations; and (4) preserve and maintain the confidentiality of medical and religious information submitted by or on behalf of applicants or employees requesting a reasonable accommodation.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:** Prospective, current, and former FRTIB employees who request and/or receive a reasonable accommodation for a disability or a sincerely held religious belief, practice, or observance; and authorized individuals or representatives (e.g., family members or attorneys) who file a request for a reasonable accommodation on behalf of a prospective, current, or former employee.

**CATEGORIES OF RECORDS IN THE SYSTEM:** Name and employment information of employees needing an accommodation; requestor's name and contact information (if different than the employee who needs an accommodation); date request was initiated; information concerning the nature of the disability and the need for accommodation, including appropriate medical documentation; information concerning the nature of the sincerely held religious belief, practice, or observance and the need for accommodation, including any appropriate documentation; details of the accommodation request, such as: Type of accommodation requested, how the requested accommodation would assist in job performance, the sources of technical assistance consulted in trying to identify alternative reasonable accommodation, any

additional information provided by the requestor related to the processing of the request, and whether the request was approved or denied, and whether the accommodation was approved for a trial period; and notification(s) to the employee and his/her supervisor(s) regarding the accommodation.

**RECORD SOURCE CATEGORIES:** Subject individuals; subject individuals' supervisors.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. **Routine Use—Audit:** A record from this system of records may be disclosed to an agency, organization, or individual for the purpose of performing an audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to FRTIB officers and employees.
2. **Routine Use—Clearance Processing:** A record from this system of records may be disclosed to an appropriate federal, state, local, tribal, foreign, or international agency, if the information is relevant and necessary to a requesting agency's decision concerning the hiring or retention of an individual, or issuance of a security clearance, background investigation, license, contract, grant, or other benefit, or if the information is relevant and necessary to a FRTIB decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit and when disclosure is appropriate to the proper performance of the official duties of the person making the request.
3. **Routine Use—Congressional Inquiries:** A record from this system of records may be disclosed to a Congressional office from the record of an individual in response to an inquiry from that Congressional office made at the request of the individual to whom the record pertains.
4. **Routine Use—Contractors, *et al.*:** A record from this system of records may be disclosed to contractors, grantees, experts, consultants, the agents thereof, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for FRTIB, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to FRTIB officers and employees.
5. **Routine Use—Former Employees:** A record from this system of records may be disclosed to a former employee of the FRTIB, in accordance with applicable regulations, for purposes of responding to an official inquiry by a federal, state, or local government entity or professional licensing authority; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the FRTIB requires information or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.
6. **Routine Use—Law Enforcement Referrals:** A record from this system of records may be disclosed to an appropriate federal, state, tribal, local, international, or foreign agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation

of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

7. Routine Use—Litigation, DOJ or Outside Counsel: A record from this system of records may be disclosed to the Department of Justice, FRTIB's outside counsel, other federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when: (1) FRTIB, or (b) any employee of FRTIB in his or her official capacity, or (c) any employee of FRTIB in his or her individual capacity where DOJ or FRTIB has agreed to represent the employee, or (d) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and FRTIB determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which FRTIB collected the records.
8. Routine Use—Litigation, Opposing Counsel: A record from this system of records may be disclosed to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena.
9. Routine Use—NARA/Records Management: A record from this system of records may be disclosed to the National Archives and Records Administration (NARA) or other federal government agencies pursuant to the Federal Records Act.
10. Routine Use—Redress: A record from this system of records may be disclosed to a federal, state, tribal, local, international, or foreign government agency or entity for the purpose of consulting with that agency or entity: (1) To assist in making a determination regarding redress for an individual in connection with the operations of a FRTIB program; (2) for the purpose of verifying the identity of an individual seeking redress in connection with the operations of a FRTIB program; or (3) for the purpose of verifying the accuracy of information submitted by an individual who has requested such redress on behalf of another individual.
11. Routine Use—Medical Professionals, Reasonable Accommodation Documentation: A record from this system of records may be disclosed to physicians or other medical professionals to provide them with or obtain from them the necessary medical documentation and/or certification for reasonable accommodations.
12. Routine Use—Federal Agencies, Equal Employment and Reasonable Accommodation Issues: A record from this system of records may be disclosed to another federal agency or commission with responsibility for labor or employment relations or other issues, including equal employment opportunity and reasonable accommodation issues, when that agency or commission has jurisdiction over reasonable accommodation issues.
13. Routine Use—Federal Agencies, Reasonable Accommodation Requirements: A record from this system of records may be disclosed to the Department of Labor (DOL), Office of Personnel Management (OPM), Equal Employment Opportunity Commission (EEOC), or Office of Special Counsel (OSC) to obtain advice regarding statutory, regulatory, policy, and other requirements related to reasonable accommodation.
14. Routine Use—Mediation/Alternative Dispute Resolution: A record from this system of records may be disclosed to appropriate third-parties contracted by the Agency to facilitate mediation or other alternative dispute resolution procedures or programs.
15. Routine Use—Department of Defense, Procurement of Assistive Technologies: A record from this system of records may be disclosed to the Department of Defense (DOD) for the purpose of procuring assistive technologies and services through the Computer/Electronic Accommodation Program in response to a request for reasonable accommodation.
16. Routine Use—Breach Mitigation and Notification: A record from this system may be disclosed to appropriate agencies, entities, and persons when (1) FRTIB suspects or has confirmed that there has been a breach of the system of records, (2) FRTIB has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, FRTIB (including its information systems, programs, and operations), the

Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with FRTIB's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

17. Routine Use—Response to Breach of Other Records: A record from this system may be disclosed to another Federal agency or Federal entity, when FRTIB determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:** Records are maintained in paper and electronic form, including on computer databases, all of which are stored in a secure location.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:** Records are retrieved by any one or more of the following: employee name or assigned case number.

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:** Records are maintained in accordance with the General Records Retention Schedule 2.3, item 20, issued by the National Archives and Records Administration (NARA).

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:** FRTIB has adopted appropriate administrative, technical, and physical controls in accordance with FRTIB's security program to protect the security, confidentiality, availability, and integrity of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Paper records are stored in locked file cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning usernames to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

**RECORD ACCESS PROCEDURES:** Individuals seeking to determine whether this system of records contains information about themselves should submit a written request to the FOIA Officer, FRTIB, 77 K Street N.E., Suite 1000, Washington, DC 20002, and include the following information:

- a. Full name;
- b. Any available information regarding the type of record involved;
- c. The address to which the record information should be sent; and
- d. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual, such as a Power of Attorney, in order for the representative to act on their behalf. Individuals requesting access must also comply with FRTIB's Privacy Act regulations regarding verification of identity and access to such records, available at 5 CFR part 1630.

**CONTESTING RECORD PROCEDURES:** See Record Access Procedures above.

**NOTIFICATION PROCEDURES:** See Record Access Procedures above.

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:** None.

**HISTORY:** 81 FR 7106 (Feb. 10, 2016); 85 FR 43654, 43675 (July 21, 2020).

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